

CHAPTER 14.32

SPECIAL EVENTS ORDINANCE

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14.32.010 Purpose.

The purpose of this ordinance is to regulate the temporary and exclusive use of public space by persons desiring to conduct special events in public space located within a district zoned for commercial, business, or industrial uses. (Ord. 16804 §1; June 12, 1995.)

14.32.020 Special Event Defined.

(a) Special event shall mean a temporary and exclusive use by any person of public space located within a district zoned for commercial, business, or industrial uses involving any of the following:

- (1) Amusement devices;
- (2) Carnivals or circuses, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games, and the like;
- (3) Commercial advertising;
- (4) Pyrotechnic displays of any kind;
- (5) Inflatable devices in excess of four feet in diameter, including any hot air balloons or any other inflatable object;
- (6) Live animals, except for animals aiding persons with disabilities;

(7) Noise disturbances as defined and regulated under Chapter 8.24 of this code, including activities for which a variance has been granted under § 8.24.150;

(8) Powered equipment requiring connection to public power supplies or separate generator or power supply equipment, including:

- (i) heating, cooling, refrigerating, or cooking devices; or
- (ii) sound amplification, public address, loud speaker, audio, video, or television systems;

(9) Racing or athletic competitions and uses, including any motor vehicle racing or running, marathons, cross country, bicycle, moped, skateboards, roller-skates, or any other contest or exhibition that is competitively timed, or speed related;

(10) Sales of alcoholic beverages, including any activity requiring a special designated permit or other permit under the Nebraska Liquor Control Act;

(11) Sales of goods and merchandise, including food, clothing, supplies, equipment, concessions, souvenirs, balloons, candy, jewelry, and any other similar items offered for sale;

(12) Commercial signs, including signs permitted in § 14.32.140;

(13) Spotlights, including any displays involving any laser or other concentrated beam of light; or

(14) Structures, including stages, booths, canopies, awnings, risers, bleachers, fences, partitions, stands, or similar constructions.

(b) Special event shall not include (i) the use of public space by governmental agencies acting within the scope of their authority, or (ii) authorized uses in the public space permitted by other chapters of this title. (Ord. 16804 §2; June 12, 1995.)

14.32.030 Public Space Defined; Parks and Skywalks Excepted.

Public space shall mean a street, sidewalk, or other outdoor public area, under the ownership or control of the City, held open for use by the general public, but not including parks, as defined by § 12.08.010 of this code, or skywalks as defined by § 14.100.010 of this code. (Ord. 16804 §3; June 12, 1995.)

14.32.040 Permit Required.

It shall be unlawful for any person to hold, sponsor, or cause to be held, a special event without a permit as provided herein. (Ord. 16804 §4; June 12, 1995.)

14.32.050 Application for Special Event Permit; Hold Harmless.

Any person desiring to conduct a special event shall file an application with the City Clerk, upon a form to be furnished by the City, which application shall set forth the following:

(a) The name, address, and telephone number of the person responsible for the special event. If the sponsor includes a sponsoring organization or corporation of any kind, the applicant shall provide the name and address of the person within the sponsoring organization who will be responsible for the special event requested as well as the name, address, and telephone number of the organization;

(b) The nature of the proposed special event;

(c) The date, hours, and location requested;

(d) An agreement to save and keep the City free and harmless from any and all loss or damages or claims for damages, including attorney's fees and litigation costs, arising from or out of the special event.

(e) An agreement to comply with all related municipal ordinances, rules, regulations and other applicable laws;

(f) Such other pertinent information as may be requested. (Ord. 16804 §5; June 12, 1995.)

14.32.060 Permit Fee; Payment Required.

The applicant for any special event shall, at the time of making application, pay to the City a permit fee of \$45.00 for each permit, which permit fee shall be used to defray the costs related to the issuance of such permit and which shall be in addition to such further and additional special event fees as may be imposed pursuant to Section 14.32.090 of this chapter. (Ord. 16804 §6; June 12, 1995.)

14.32.070 Application; Review; Requirements.

(a) Upon receipt of an application, the City Clerk shall forward the same to the Mayor for review. No permit shall be issued if the Mayor finds that the proposed special event:

- (1) Will cause unreasonable injury or damage to the public space requested;
- (2) Conflicts with a prior permit, or a prior application that is likely to be granted, for the same public space and for the same time;
- (3) Will continue for a duration longer than seven days, including any set-up or tear-down time;
- (4) Will involve such a number of persons or activities as will exceed the reasonable capacity of the public space requested;
- (5) Will interfere with the provision of proper fire and police protection to the area adjacent to the public space requested;
- (6) Will adversely affect adjacent or neighboring properties by causing excessive noise or creating a nuisance;
- (7) Will unreasonably interfere with the safe, orderly, and expeditious movement of vehicular or pedestrian traffic;
- (8) Will be conducted primarily for the purpose of monetary gain or commercial advertisement;
- (9) Will fail to comply in any respect with the provisions of this chapter or any other applicable law.

(b) No permit shall be issued to any applicant that has unpaid or past due fees under this chapter for any prior special event.

(c) No permit shall be issued for any special event to be held during the following time periods and locations:

(1) Between the hours of 12:30 a.m. and 6:30 a.m. on any day. The reasonable and necessary time for set-up, tear-down, and preparation activities related to a special event may be excepted from the strict application of this subsection.

(2) Beginning at 12:30 a.m. the day of any University of Nebraska home football game and continuing through 6:30 a.m. the following day within any public space as follows:

(i) Within the area from the west line of 8th Street to the east line of 17th Street and from the south line of K Street to the north line of R Street; or

(ii) Upon Avery Avenue; Charleston Street; State Fair Park Drive; New Hampshire from the west line of 10th Street to the east line of 14th Street; First Street from the south line of Charleston to the north line of Superior; Military Avenue; P Street from the west line of 17th Street to the east line of 27th Street; Cotner Boulevard from the north line of Vine Street to the south line of O Street; or

(iii) Upon the following arterial streets as designated in Chapter 10.26: Ninth, Tenth, Eleventh, Thirteenth, Fourteenth, Sixteenth, Seventeenth, Twenty-first, Twenty-seventh, Thirty-third, Forty-eighth, K, L, O, Q, R, T, U, Nebraska Highway, Sun Valley Boulevard, Capitol Parkway, Cornhusker Highway, Holdrege, Normal Boulevard, Superior, South, Van Dorn, Vine, West By-Pass, NW 12th and NW 48th.

(d) No permit shall be issued for any special event to be held on any arterial street between the hours of 7:00 a.m. and 9:00 a.m.; 11:30 a.m. to 1:00 p.m.; and 3:30 p.m. to 6:30 p.m., Monday through Friday, without provision being made for an adequate number of police officers to provide for the safe, orderly, and expeditious movement of vehicular and pedestrian traffic.

(e) If the permittee fails to provide necessary services and equipment reasonably required for the special event, the City may provide or arrange for the same and, where allowed under this chapter, charge the permittee for any costs related thereto as part of the fees.

(f) In determining whether an application should be approved, the Mayor may consider:

(1) Whether, in holding any previous special events, the applicant has conformed to all permit requirements and the provisions of this chapter;

(2) The financial and practical ability of the applicant to conduct the proposed special event in conformance with the provisions of the permit and this chapter.

(g) No permit shall be issued for a special permit within three days (excluding Saturdays, Sundays, and City-observed holidays) after the application was filed with the City Clerk. (Ord. 16804 §7; June 12, 1995.)

14.32.080 Permit; Issuance.

Upon consideration of the general requirements as set forth in § 14.32.070, the Mayor may issue a permit for a special event and may, as part of such permit, include such conditions as the Mayor deems necessary for the preservation of the public health, safety, and welfare and for the protection of the public space to be utilized. As part of the permit, the Mayor shall also set forth the special event fees, if any, that the Mayor determines to be appropriate for the requested special event in accordance with the provisions of § 14.32.090. No permit shall be issued until the compliance bond and insurance required under this chapter have been filed with the City Clerk.

A special event permit shall not constitute City endorsement or sponsorship of the special event, and no permittee shall represent, advertise, promote, or otherwise publish any claim whatsoever related to City endorsement or sponsorship of the special event. (Ord. 16804 §8; June 12, 1995.)

14.32.090 Special Event Fees.

The Mayor, in approving an application for a special event, shall determine the reasonable cost of traffic control and in-kind services that the City will be required to provide for such special event, excluding

those costs that the City would otherwise incur in the regular performance of its public responsibilities. Such special event fees shall include, but shall not necessarily be limited to, those costs which the City will reasonably incur as a result of such special event related to the following:

- (1) Fire safety requirements;
- (2) Health and first aid requirements;
- (3) Safety requirements for both participants, spectators, and the public generally;
- (4) Maintaining public order, except the costs of maintaining public order for any reaction or activity responsive or counter to the special event or participants at the special event;
- (5) Sanitation requirements, including toilet facilities;
- (6) Traffic control and barricading.

The Mayor shall consider, where applicable, established fees for City-provided equipment and services. (Ord. 16804 §9; June 12, 1995.)

14.32.100 Special Event Fees; Payment

(a) If special event fees are to be charged for a permit under this chapter, the permittee shall prepay the fees not less than one day before the special event. The City shall provide to the permittee an itemized written statement of such fees at the time the permit is issued.

(b) If the special event involves special event fees of \$500.00 or more, or if the special event is cancelled, the City shall provide to the permittee an itemized statement of actual costs incurred by the City within thirty days after the special event, or after cancellation thereof. If the actual costs exceed the amount prepaid, the permittee shall pay any difference within thirty days after receipt of the itemized statement from the City. If the actual costs are less than the amount prepaid, the City shall refund to the permittee any difference within thirty days after the itemized statement is provided. (Ord. 16804 §10; June 12, 1995.)

14.32.110 Special Event; Admission Fees.

(a) No person shall be authorized to charge admission fees as part of a special event unless the Mayor finds that the use requested:

- (1) Is sponsored by a nonprofit or charitable organization exempt from taxation by the federal government;
- (2) Is conducted by and for the benefit of such nonprofit or charitable organization;
- (3) Is supported with written consent on forms approved by the City to close the public space for the duration of the special event from all record owners of any land or lots abutting the street or sidewalk to be closed. The record owner's consent shall include a release of all claims for interference with the use or enjoyment of the subject property arising out of the special event.

(b) The Mayor may require the permittee to pay to the City a percentage of gross receipts from admission charges, or the Mayor may require the permittee to pay such other consideration as agreed to in the permit. (Ord. 16804 §11; June 12, 1995.)

14.32.120 Insurance Requirements.

The permittee shall maintain public liability insurance for the duration of the permit in a suitable policy form with a minimum combined single limit of \$1,000,000 aggregate for any one occurrence, naming the City as an additional insured.

The permittee shall file a certificate of insurance with the City Clerk at the time of making application showing:

- (a) A valid and effective policy or policies of insurance issued by an insurance company authorized to do business in the State of Nebraska;
- (b) The limits of each policy;
- (c) The policy number;
- (d) The name of the insurer;
- (e) The effective date and expiration date of each policy;
- (f) The deductibles or self-insurance retainers of each policy;
- (g) That the City is named as an additional insured;
- (h) That the City Clerk will be notified thirty days in advance of cancellation or material change to the insurance for any reason.

The City Attorney shall review the insurance coverage and may reject insurance that does not comply with this section. The permittee shall provide the declarations page or a copy of any policy, complete with endorsements, upon the request of the City Attorney. (Ord. 16804 §12; June 12, 1995.)

14.32.130 Compliance Bond Requirements.

The permittee shall obtain a compliance bond in the principal amount of \$5,000.00, executed by a bonding company or surety company authorized to do business in the State of Nebraska. Such bond shall be conditioned that the person to whom the permit is issued shall:

- (a) Strictly comply with all applicable laws and regulations;
- (b) Strictly comply with all conditions of the permit;
- (c) Save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public space requested; and
- (d) Fully and completely protect the City against any and all litigation or attorney's fees growing out of the granting of such permit or anything the permittee may have done under the permit.

The City Attorney shall review the bond and may reject any bond that does not comply with this section. (Ord. 16804 §13; June 12, 1995.)

14.32.140 Special Events; Signage.

- (a) A permittee may erect such signs and banners related to the special event as may be approved as part of the permit, and all such signs shall be in accordance with the provisions of this section.
- (b) The following general restrictions relating to such signage shall apply:
 - (1) All signs shall be constructed to withstand a 25-pound per square foot windload.
 - (2) Banners of vinyl, canvas, fabric, or other similar material shall be permitted to hang from or on a wall, provided said banner is supported and attached to the wall with metal cable or nylon or polypropylene rope (test break minimum of 1,100 pounds). Banners may extend up to six inches into the public right-of-way when located eight feet or more above grade of said right-of-way.
 - (3) Banners may extend over public property and may extend across a public street only where proper poles and equipment are available and by specific written approval on the permit. The permit may allow banners under this subsection for up to a maximum of twenty-one days and no more than fourteen days prior to the special event. Banners shall be subject to all related laws and ordinances. Such banners, when extended over a public street, shall maintain a minimum clearance of twenty feet.

(c) The attachment, support, construction, and design of all signs and banners shall be subject to approval by the City.

(d) The permittee:

(1) May install and maintain signs and banners only during such times as are authorized in the permit;

(2) Shall remove all signs and banners at the expiration of such permit;

(3) Shall pay any costs to remove signs and banners if the permittee fails to remove any signs at the expiration of the permit; and

(4) Shall pay any repair costs for damage to any tree, shrub, bench, fence, railing, post, or public structure, fixture, or improvement related to any sign or other device placed under this section. (Ord. 16804 §14; June 12, 1995.)

14.32.150 Special Events; Other Districts.

The Mayor may grant a permit under this chapter for the use of public space outside of a district zoned for commercial, business, or industrial uses only if the applicant shows a practical necessity arising out of the peculiar nature of the special event requiring extension of the special event into other zoning districts, including, but not necessarily limited to, running events and walking events. (Ord. 16804 §15; June 12, 1995.)

14.32.160 Permits; Revocation; Authority of Mayor.

(a) The Mayor may revoke any permit issued under this chapter if the Mayor finds that such special event:

(1) Is being conducted in violation of any of the terms and conditions of the permit, the provisions of this chapter, or any applicable law;

(2) Is substantially interfering with fire or police protection;

(3) Is causing physical damage to persons or property;

(4) Is causing a disturbance of the peace;

(5) Is causing a health hazard; or

(6) Is not conducted in a manner consistent with the representation set forth in the application therefor.

(b) The Mayor may also revoke any permit issued under this chapter if the Mayor finds that the required compliance bond or insurance has lapsed or has been cancelled. (Ord. 16804 §16; June 12, 1995.)

14.32.170 Denial or Revocation; Notice of Appeal.

If the Mayor denies an application or revokes a special event permit, the City Clerk shall notify the applicant or permittee of such denial or revocation in writing, delivered in person or by mail to the applicant's address stated in the application. Such notice shall include the reasons for the denial or revocation and shall advise the applicant or permittee that the decision may be appealed to the City Council. (Ord. 16804 §17; June 12, 1995.)

14.32.180 Interference with Special Event; Unlawful.

It shall be unlawful for any person to knowingly or intentionally disrupt or physically interfere with any special event for which a permit has been issued under this chapter. (Ord. 16804 §18; June 12, 1995.)